

RICH CREEK, TOWN OF  
County of Giles.

Incorporated by Circuit Court of Giles County, April 17, 1946.

Charter, 1947, Ex. Sess., c. 57.

Amended      1970, c. 210 (§§ 2,3)  
                  1973, c. 81 (§§ 2,3)  
                  1990, c. 37 (§ 3).

§ 1. The inhabitants of the territory embraced within the present limits of the town of Rich Creek, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Rich Creek, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though all such powers were specifically enumerated herein. The territory embraced within the present limits of the town of Rich Creek is described by metes and bounds as follows:

Beginning at an iron pin on the bank of New River and running north eighty degrees and thirty-five minutes east four hundred and thirty-eight and four-tenths feet to an iron pin on the right of way of the Virginian Railway Company, at or near Mile Post three hundred and twenty, thence north sixty-three degrees and seventeen minutes east two hundred and eighty-three and two-tenths feet to a stake; thence north ninety degrees east two hundred and twelve and eight-tenths feet to a stake; thence north sixty-three degrees and twenty-five minutes east two hundred and thirty-eight feet and two-tenths feet to a stake; thence north seventy-four degrees and twenty-five minutes east one hundred and ninety-two feet to an iron pin, set in the Cold Spring Branch, thence north seven degrees and thirty-five minutes east one hundred and thirty-two and nine-tenths feet to an iron pin, thence with the line of Kirby Brothers north twenty-two degrees and forty-five minutes east six hundred feet to an iron pin on the lands of Lula Gwinn; thence through the lands of Lula Gwinn, Obed Pennington and Lula Gwinn, north twenty-eight degrees and twenty-five minutes east two thousand, one hundred, twenty-three and four-tenths feet to an iron pin, thence north sixteen degrees and forty-five minutes west eighty-six and four-tenths feet to a stake; thence north two degrees and no minutes east ninety-eight feet to a stake, thence north fifteen degrees and fifty minutes east four hundred feet to a stake on the lands of Ella Shumate; thence north twenty-seven degrees and fifty minutes east one hundred and thirty feet to a stake on the lands of Ella Shumate; thence north thirty-eight degrees and thirty-five minutes east four hundred and twenty feet to a stake on the lands of Ella Shumate; thence north forty-eight degrees and fifty-five minutes east one hundred and fifty feet to a stake; thence north twenty-three degrees and twenty-five minutes east four hundred and thirty-five feet to a stake in the lands of Mary Adair, thence north four degrees and twenty-five minutes east one hundred and sixty-five feet to a stake in said lands; thence north twenty-eight degrees and forty minutes east three hundred feet to a stake in said lands; thence north thirty-seven degrees and fifty minutes east three hundred feet to a stake in said lands; thence north two degrees and twenty-five minutes east two hundred feet to a stake in said lands; thence

north six degrees and fifteen minutes west one hundred and thirty-seven feet to a stake in said lands; thence north thirty-nine degrees and fifty-five minutes west two hundred feet to a stake in said lands; thence north forty-six degrees and thirty-five minutes west two hundred and ninety-three feet to a stake in said lands; thence north fifty-one degrees and fifty minutes west two hundred and ninety feet to a stake set on the right of way of U. S. Highway two hundred and nineteen; thence along the Chesapeake and Potomac Telephone Company main line south fifty-one degrees and thirty-eight minutes west one thousand, two hundred, sixty-eight and three-tenths feet to an iron pin set in the lands of A. A. and H. H. Adair; thence through the lands of J. C. Davis, W. R. Wilson, M. A. Ferguson, W. J. Gwynn, Margaret Morrison, W. L. Carr, and Mattox and Craig, crossing Rich Creek north forty-five degrees and thirty-five minutes west three thousand, seven hundred and fifty-five feet to an iron pin; thence south sixty-five degrees and six minutes west two thousand, nine hundred, twenty-one and four-tenths feet through the lands of C. E. Duncan, Myrtle White, L. J. Wilkerson and C. N. Williams to an iron pin; thence south four degrees and five minutes east four hundred and fifty-two feet to an iron pin on bank of New River near an electric light pole of the Virginian Railway Company at or near the bank of New River, thence running along the bank of New River with the lands of E. P. Lane, Ella Shumate, Lula Gwinn, Mary Adair and G. W. Shumate to the point of beginning, containing five hundred and twenty-one acres, more or less. (1947, Ex. Sess., c. 57)

§ 2. The administration and government of the town shall be vested in a council which shall consist of six members, five of whom shall be denominated the councilmen and one to be denominated the mayor, all of whom shall be residents and qualified voters of the town. Each councilman may receive a salary for his services as such, the amount thereof to be fixed by the council, but in no event to be in excess of one thousand dollars per year each for the councilmen and mayor. (1947, Ex. Sess., c. 57; 1970, c. 210; 1973, c. 81)

§ 3. The councilmen and the mayor shall be elected by the qualified voters of the town on the first Tuesday in May 1990. The mayor and the two councilmen receiving the greater number of votes shall serve four-year terms; the remaining three councilmen shall serve two-year terms. Thereafter, the terms of the mayor and councilmen shall be for a four-year term. Elections shall be held in May of every even-numbered year. The persons elected shall serve until their successors have been elected, qualify and assume office. (1947, Ex. Sess., c. 57; 1970, c. 210; 1973, c. 81; 1990, c. 37)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' written notice shall be given to the other members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. (1947, Ex. Sess., c. 57)

§ 5. The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council

requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1947, Ex. Sess., c. 57)

§ 6. The council shall appoint a sergeant who shall qualify as provided by law, and give bond in such amount as the council requires. The sergeant shall be a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to a distance of one mile beyond the same, as were formerly had and performed by constables. He shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1947, Ex. Sess., c. 57)

§ 7. The mayor shall be a conservator of the peace, and shall, unless and until a police justice is appointed as hereinafter provided, have power to issue warrants and summon witnesses, and exclusive original jurisdiction to try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other form of debts owing to the town, and shall have like powers in the matter of collecting fines and costs imposed by him, as are vested by law in trial justices. The fees and costs in connection with such cases shall be the same as are authorized by law to be charged, taxed and collected by trial justices for similar services, and such fees, and all fines collected by the mayor shall be promptly paid by him into the town treasury, unless the council by ordinance directs some other disposition thereof; provided that the council may, at any time it deems the same expedient, appoint a police justice for the town, who shall be a resident and qualified voter of the town, shall give such bond as the council requires, shall serve during the pleasure of the council, and shall receive such compensation as the council prescribes.

In the event of the appointment of such police justice, he shall have, during such time as he serves, and to the exclusion of the mayor, the same powers and jurisdiction as are hereinabove conferred upon and vested in the mayor, and shall exercise the same in like manner as they are above authorized and directed to be exercised by the mayor. (1947, Ex. Sess., c. 57)

§ 8. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the town of Rich Creek and its council shall have the powers set forth in the following sections of this charter. (1947, Ex. Sess., c. 57)

§ 9. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the Council prescribes, provided that the rates charged consumers without the corporate limits shall not be less than, nor more than double, the rates charged consumers within the town for similar services, any or all of which rates the council may alter at any time without notice.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1947, Ex. Sess., c. 57)

§ 10. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the town which

fronts or abuts on any such sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer service, of the reasonableness of which the council shall be the sole judge; and sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues.

The town is empowered to acquire by condemnation or otherwise. such properties or interests or estate therein, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining or operating any such sewer line or lines. (1947, Ex. Sess., c. 57)

§ 11. The town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, golf courses and other recreational facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights of way from the town to any property acquired by it under any of the provisions of this charter, which lies without its corporate limits, and to construct and maintain upon such rights of way, such roads or bridges as may be reasonably necessary for the full enjoyment thereof, and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so. (1947, Ex. Sess., c. 57)

§ 12. In so far as not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation upon its streets and alleys of motor vehicles carrying passengers or freight for hire, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as meets with the approval of the council; and (c) to prescribe rules and regulations with respect to motor traffic of all kinds within the town, and the parking of motor vehicles on its streets and alleys. (1947, Ex. Sess., c. 57)

§ 13. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to impose and collect a license tax for the privilege of doing within the town, anything upon which the State imposes a license tax; provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such thing than that imposed by the State on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council. (1947, Ex. Sess., c. 57)

§ 14. The town is empowered (a) to provide a building code for the town; to provide for the orderly and safe construction of houses and other buildings; to prescribe setback lines on designated streets; to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections; and (b) to adopt a comprehensive plan concerning the subdivision of lands within the corporate limits of the town or within two miles thereof; to require that plats of all such subdivisions shall, after having been approved by the council as hereinafter

provided, be recorded in the clerk's office of Giles County; and the term "subdivision," when and as used in this charter, means the division of a tract of land into two or more lots, with appropriate streets and alleys, and with the intention on the part of the owner of the land, of developing the same, or making it available for development by others, for residential and business purposes. (1947, Ex. Sess., c. 57)

§ 15. The town is empowered (a) to prohibit, and to punish for mischievous or wanton damage to school property or any other property, either public or private, within the town; (b) to prohibit minors from frequenting or loitering in public pool rooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same; (c) to compel persons sentenced to confinement in jail for violations of town ordinances, to work on the streets or other public places of the town. (1947, Ex. Sess., c. 57)

§ 16. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town, by any fence, building, porch, or other projection, and to require the removal of any such encroachment heretofore or hereafter made, unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town no statute of limitation shall run. (1947, Ex. Sess., c. 57)

§ 17. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed, to be placed in suitable conduits underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1947, Ex. Sess., c. 57)

§ 18. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and by-laws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances, by-laws, and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, by-laws and resolution, upon which the same shall become effective. (1947, Ex. Sess., c. 57)

§ 19. Town manager.--(a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his

executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering. He need not, when appointed, be a resident of the town, or of the State of Virginia, but shall during his term of office, reside within the corporate limits of the town, and shall be appointed for such term as he and the council agree upon, not to exceed two years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no order of suspension or removal shall be made until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council, suspending or removing the town manager, shall be final. The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1947, Ex. Sess., c. 57)

§ 20. Subdivisions.--No plat of any subdivision within the corporate limits of the town or within two miles thereof shall be recorded in the clerk's office of Giles County unless and until it shall have been approved by the council, and the council shall not approve any plat of any such subdivision unless the streets, alleys or other roadways provided for therein are of such widths and grades and are so located as to, in the opinion of the council, meet the probable traffic needs in the reasonably near future. Before approving any such plat, the council may, in its discretion, require the owner of the land so subdivided to enter into an agreement in writing, and to give satisfactory security for the performance thereof, to the effect that he will, when and as the same becomes necessary, grade and surface the streets, alleys or roadways shown thereon, in such manner as to meet with the approval of the council.

The approval of any such plat by the council shall not be construed or held to impose any obligation upon the town to grade or surface such streets, alleys, or roadways unless and until the same is, in the opinion of the council, for the best interest and general welfare of the town and its inhabitants. (1947, Ex. Sess., c. 57)

§ 21. All ordinances now in force in the town of Rich Creek, not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this act. (1947, Ex. Sess., c. 57)

§ 22. The charter herein is in lieu of and a complete substitute for the charter of the town of Rich Creek granted by the circuit court of the county of Giles on April 17, 1946. (1947, Ex. Sess., c. 57)